IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6887 of 2003

DATED: 12.12.2007

Between:

Smt P Muneera Khatoon petitioner

And

Union of India
Rep by its Secretary,
Ministry of Home Affairs,
Gruhamantralay, Central Secretariat,
New Delhi and ors Respondents

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ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not granting Indian citizenship to the petitioner under section 5 (1) (C) of the Citizenship Act, 1955 as illegal and arbitrary.

The petitioner herein is a Pakistani national having born in Bhawalnagar, Pakistan on 6.3.1959. She along with her parents came to India i.e., Guntur district, Andhra Pradesh on 22.7.1979 with residential permit up to 17.10.1979. She married to Mr Patan Shabbir Khan, an Indian national on 2.11.1979 and her permit is being extended from time to time. Thereafter, certain disputes arose between the petitioner and her husband and ultimately on 29.11.2000 her husband pronounced talaknama and since then she is residing separately at Nellore along with her children. Thereafter, on 20.12.2000 she made a request for grant of Indian citizenship and alleges that she furnished all the required documents and the same were forwarded to second respondent in
May 2002 by the third respondent, but till date no action is taken for granting her Indian citizenship. Hence, the present writ petition.

The third respondent filed a counter affidavit, narrating the facts of the case and stating that the documents relating to the petitioner were forwarded to the Government for registration as Indian Citizen vide proceedings RC.C3(M)1970/2000 dated 7.8.2007.

Similar counter affidavit was also filed by the 4th respondent stating that on 19.7.2007 a detailed report with relevant documents was sent to Government through Collector and District Magistrate, Nellore, and no correspondence is pending in the matter.

However, today when the matter is taken up for hearing, learned Government Pleader for Home submitted that certain material information as required under the Citizenship Rules, 1956 was not furnished by the petitioner as such her application for grant of Citizenship is not acceptable and the same is returned and produced a copy of the letter addressed by Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi dated 21.11.2007 to the Secretary, Government Andhra Pradesh, Home (Passport) Department, Hyderabad. By the said letter dated 21.11.2007 the application of the petitioner for grant of citizenship was returned on the ground that she has not subscribed and has not taken oath of allegiance to the Indian Constitution before the competent authority prescribed under Rule 28 of the Citizenship Rules, 1956 and that she is required to submit her valid and up to date residential permit/LTV. Learned Government Pleader for Home on instructions submitted that if the above said information is furnished by the petitioner, her application would be forwarded to the first respondent for taking further action in the matter in accordance with rules.

In the circumstances, this Court deems it appropriate to dispose of the writ petition directing the petitioner to comply with the objections and to furnish the information required by the authorities and on furnishing the same, the first respondent is directed to consider the same and pass appropriate orders in accordance with law expeditiously, preferably within a period of eight weeks from the date of furnishing the required information by the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE:12-12-2007
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